

EXHIBIT 52

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

XAVIER WALKER,)
)
Plaintiff,)
)
vs.) No. 20 cv 7209
)
CITY OF CHICAGO, et al.,)
)
Defendants.)

The discovery deposition of BRYAN HOLY,
called by the Defendants for examination, taken
via Video Conferencing pursuant to notice and by
the provisions of the Rules of Civil Procedure for
the United States District Courts pertaining to
the taking of depositions, taken before Linda K.
Madison, CSR No. 084-000970 and Notary Public, on
Thursday, the 27th day of January 2022, at the
hour of 10:00 a.m.

1 APPEARANCES:

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14 appeared for the Chicago Police Officers;

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18 appeared for BRZENIAK and MAHONEY.

19
20 ALSO PRESENT:

21 David Wright, Defendant Police Officer
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I N D E X

WITNESS

Bryan Holy

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1 THE COURT REPORTER: My name is Linda
2 Madison. I am a Certified Shorthand Reporter and
3 this deposition is being held via video
4 conferencing. The witness and reporter are not in
5 the same room. The witness will be sworn remotely
6 pursuant to agreement of all parties. The parties
7 stipulate that the testimony is being given as if
8 the witness was sworn in person.

9 Does everyone agree?

10 MS. SAMUELS: So stipulated.

11 MR. MILLER: Yeah, we agree.

12 MS. SHOFFNER: The City agrees.

13 MR. OBERTS: Brzeniak and Mahoney agree,
14 counsel on their behalf.

15 B R Y A N H O L Y,
16 called as a witness herein, after having been
17 first duly sworn, was examined and testified as
18 follows:

19 EXAMINATION

20 BY MS. SAMUELS:

21 Q Can you please state and spell your name
22 for the record, sir?

23 A My name is Bryan, B-r-y-a-n, Holy,
24 H-o-l-y.

1 MS. SAMUELS: This is the deposition of
2 Bryan Holy taken in the case of Walker vs. City of
3 Chicago et al., case number 20 CV 7209. This
4 deposition is taken pursuant to notice and
5 agreement of the parties under all applicable
6 rules.

7 Q Have you ever given a deposition before,
8 sir?

9 A Yes, ma'am, I have.

10 Q About how many times?

11 A Maybe 3 or 4.

12 Q And when is the last time you gave a
13 deposition?

14 A 2018, 2019 I think.

15 Q Since it's been a while, I'll go over
16 the rules real briefly.

17 Essentially it's the same as
18 testifying in court. All your answers need to be
19 verbal. If you don't understand any of my
20 questions, let me know so I can rephrase them for
21 you. So the record is clear please wait until I
22 am done asking a question prior to providing your
23 answer. Otherwise the record is going to be
24 unclear. And if you want to take a break at any

1 time, just let me know. Okay?

2 A Yes, ma'am.

3 Q Did you prepare at all for your
4 deposition today?

5 A I did.

6 Q All right. How did you prepare?

7 A I met with my attorneys and I read the
8 investigative file.

9 Q Okay. Did you watch any videos?

10 A No, I did not.

11 Q Did you look at any pictures?

12 A No, I did not. There are photocopies of
13 pictures in the investigative file.

14 MS. SHOFFNER: Jeanette, just for the
15 benefit of the court reporter can the parties who
16 are attending represent themselves so that she
17 knows who is making objections and who's speaking?

18 MS. SAMUELS: Sure.

19 MS. SHOFFNER: Madam Court Reporter, my
20 name is Robin Shoffner and I represent the City of
21 Chicago.

22 MR. MILLER: Graham Miller and Misha
23 Itchhaporia and Crystal Stalf on behalf of the
24 individual CPD defendants.

1 MR. OBERTS: Bill Oberts, O-b-e-r-t-s, on
2 behalf of Mahoney and Brzeniak.

3 BY MS. SAMUELS:

4 Q Besides your attorneys did you speak
5 with anyone else about this case?

6 A No, ma'am.

7 Q When is the last time you met with your
8 attorneys to prepare for this deposition?

9 A I'm sorry. I didn't hear that.

10 Q When is the last time you met with your
11 attorneys to prepare for this deposition?

12 A Monday of this week.

13 Q How long did you meet?

14 A I don't remember. A couple of hours.

15 Q Did you read any of the testimony from
16 this -- any of the previous testimony from this
17 matter?

18 A Can you repeat that please?

19 Q Did you review any of the previous
20 testimony
21 from this matter?

22 A No, I did not.

23 Q The deposition that you last gave in
24 2018, 2019 what was that for?

1 A A police-involved shooting.

2 Q And what was your role in that?

3 A I was the supervising sergeant.

4 Q Were you a witness or a defendant?

5 A I was a witness.

6 MR. MILLER: We have somebody that
7 needs -- I'm sorry to interrupt. I think we have
8 David Wright, one of the defendants, who wants to
9 attend who is waiting in the waiting room.

10 MS. SAMUELS: I don't see anybody.

11 MR. MILLER: There's nobody in there?

12 MS. SAMUELS: No.

13 MR. MILLER: Okay. Just if you see
14 somebody will you let them in?

15 MS. SAMUELS: Yes.

16 Q What's your current job title?

17 A I'm retired, ma'am.

18 Q So you don't work?

19 A No, ma'am. I'm retired from the police
20 department.

21 Q In what year did you retire?

22 A July of 2020.

23 Q Since July of 2020, have you had any
24 other employment?

1 A Yes, ma'am.

2 Q All right. Where?

3 A I work part time for the Fraternal Order
4 of Police, Lodge 7.

5 Q What do you do for the FOP?

6 A I'm a critical incident field
7 representative.

8 Q What does that mean?

9 A I'm a field representative for the
10 police officers involved in critical incidents.

11 Q What's a critical incident?

12 A It can be a variety of things, ma'am.

13 Q Can you give me some examples?

14 A Can you repeat that?

15 Q Can you give me some examples?

16 A Police-involved shootings are one of
17 them. When a police officer is involved in an
18 incident and he contacts the Fraternal Order of
19 Police, one of four of us will respond.

20 Q And what's your responsibility?

21 A Advise the police officer of what the
22 normal chain of events involving the incident can
23 be. Answer questions that he would have.
24 Generally there to support him.

1 Q All right. So you advise police
2 officers on the investigation process after a
3 critical incident?

4 A No, ma'am. I wouldn't use the term
5 advise.

6 Q What term would you use?

7 A I would tell them what the course of
8 events in an incident will be.

9 Q When you say "course of events," are you
10 talking about for administrative proceedings or
11 are you talking about for any possible
12 investigation into the incident that occurred?

13 A Administrative proceedings.

14 Q How did you get that job?

15 A I was asked. I was asked if I wanted
16 that job.

17 Q By who?

18 A John Farrell.

19 Q How do you know John Farrell?

20 A John Farrell is a retired captain from
21 the police department. I worked for him.

22 Q Who is the current FOP president?

23 A John Catanzara.

24 Q Do you know him?

1 A I'm sorry. Excuse me?

2 Q Do you know him?

3 A I do know him.

4 Q As part of your job duties, do you have
5 to work with him?

6 A No, I don't work with him.

7 Q Did you have to apply for the position
8 or once you expressed interest was it sort of
9 yours for the taking?

10 A I was actually -- They held a vote by
11 the Board of Directors and they approved, like I
12 say approved my job.

13 Q How much do you get paid?

14 A I get paid by the hour so it's depending
15 upon when I work.

16 Q How much do you get paid per hour?

17 A Fifty dollars an hour.

18 Q Say that again.

19 A Fifty dollars an hour.

20 Q One five or five zero?

21 A Five zero.

22 Q Does that job come with any benefits?

23 A No, ma'am.

24 Q Are you still in that position?

1 A Yes, I am.

2 Q Does that require you to provide any
3 statements to the press about any of these
4 critical incidents?

5 A Ma'am, I do not talk to the press.

6 Q Did you have to receive any sort of
7 training in order to gain this position?

8 A I worked with John Farrell like I said
9 in an on-the-job training type scenario.

10 Q How long was your on-the-job training?

11 A I think for about a month.

12 Q All right. Now, when you respond to
13 critical incidents, do you respond by yourself or
14 do you respond with somebody else?

15 A I respond by myself. Most of the time
16 an FOP field representative who's a full-time
17 employee for the FOP will also respond.

18 Q I'm sorry. What is John Farrell's job
19 title?

20 A He's a critical -- He's a critical
21 incident field representative.

22 Q So are there field representatives and
23 then critical incident field representatives?

24 A Yes, ma'am.

1 Q Got you. Since July of 2020, have you
2 had any other positions?

3 A No, ma'am.

4 Q I'm sorry. When did you get this job?

5 A I believe it was in August of 2020.

6 Q And then in your role as a critical
7 incident field rep, have you had to respond or
8 provide assistance to any of the current
9 defendants in this case?

10 A No.

11 (Brief discussion off record.)

12 Q What's your understanding of how Marek
13 Majdak was murdered?

14 (The Court Reporter requested
15 clarification.)

16 What's your understanding of how Marek
17 Majdak was murdered?

18 A I can't understand you, ma'am.

19 MR. MILLER: Mr. Holy is a little bit
20 hard of hearing so if you could just speak up.
21 I've got the volume up all the way but I don't
22 think it's that loud.

23 MS. SAMUELS: Sorry.

24 Q What's your understanding of how Marek

1 Majdak was murdered?

2 A My understanding is that he was shot
3 during the course of an armed robbery.

4 Q Do you know how he came to be -- how the
5 robbery unfolded that led to his murder?

6 A Are you asking me what I know about what
7 happened during the course of the robbery?

8 Q Yes, sir.

9 A That the victim in the homicide was
10 parked in the 4700 block of West Ohio. That
11 Jovanie Long and Xavier Wright -- Jovanie Long
12 got into the automobile. A struggle ensued with
13 the victim and Jovanie Wright -- I'm sorry,
14 Jovanie Long and Xavier Wright was a lookout in
15 accomplish of the robbery. And that during the
16 course of the robbery the victim sustained two
17 gunshot wounds and had money stolen from him after
18 he was shot laying on the sidewalk on Ohio.

19 Q How did he get from out of the car?

20 Well, let me ask this question. Was
21 he shot -- Was the victim shot inside the
22 vehicle?

23 MR. MILLER: Object to foundation.
24 Speculation.

1 THE WITNESS: I believe -- I don't know
2 where he was shot, if he was shot in the car. He
3 may have been shot once in the car or shot at in
4 the car. I don't know that anybody knows that
5 answer.

6 BY MS. SAMUELS:

7 Q And then is it your understanding that
8 during the course of the struggle I guess the
9 victim exited the car and Jovanie Long I guess
10 pursued him?

11 A Yes.

12 Q And at that point he was shot and
13 killed?

14 A Yes.

15 Q And then when you say he was robbed, who
16 rob him?

17 A I believe Xavier Wright did.

18 Q Where was Xavier when all this was going
19 on in the car?

20 A I'm sorry. Excuse me?

21 Q Where was Xavier when the struggle was
22 going on in the car?

23 A He had approached the car I believe to
24 assist Jovanie Long in the struggle with the

1 victim.

2 Q And then after the victim is shot your
3 understanding is Xavier robbed him?

4 A Yes.

5 Q And how was that accomplished?

6 MR. MILLER: Object as to foundation,
7 calls for speculation.

8 THE WITNESS: I believe that Xavier in
9 his video statement confession admitted to going
10 through the victim's pockets.

11 BY MS. SAMUELS:

12 Q When the victim -- My understanding is
13 the victim was shot from behind. Is that your
14 understanding?

15 A At least one of the gunshot wounds was I
16 believe from behind, yes.

17 Q And so when the victim landed on -- I
18 believe it was the sidewalk is where he was found,
19 is that correct?

20 A Yes, ma'am. That's my memory of that.

21 Q So is it your understanding that he fell
22 face forward or he fell on his back first?

23 A I don't know how he fell. I believe
24 that when he was discovered he was face up.

1 Q All right. Was it your understanding
2 that the body was flipped?

3 MR. MILLER: Object to foundation. Calls
4 for speculation, form.

5 THE WITNESS: Can you tell me what you --
6 Can you repeat that? His body was what?

7 BY MS. SAMUELS:

8 Q Flipped or turned over.

9 A He was face up when he was discovered.
10 That is my understanding.

11 Q Right. My question is was it your
12 understanding that the body was ever turned over?

13 MR. MILLER: Object to form, foundation.
14 Calls for speculation.

15 THE WITNESS: I can't answer that. I
16 don't know.

17 BY MS. SAMUELS:

18 Q Did that ever come up during your
19 investigation?

20 MR. MILLER: Object to form.

21 THE WITNESS: I did not conduct an
22 investigation in this, ma'am.

23 BY MS. SAMUELS:

24 Q What was your role in the investigation

1 into the murder of Marek Majdak?

2 A I had a limited role. I believe I
3 assigned Detective Pietryla -- or informed
4 Detective Pietryla that there was a witness in
5 Area 4. I knew that Pietryla was working on a
6 job. I would have told him that he was there and
7 I accompanied detectives on the arrest of Xavier
8 Walker.

9 Q And so my understanding is your role in
10 the investigation into the murder of Marek Majdak
11 is informing Detective Pietryla that there was a
12 witness in Area 4 and then going along with him
13 and others to arrest Xavier Walker, is that
14 correct?

15 A To the best of my knowledge, yes, to the
16 best of my memory.

17 Q And to the best of your recollection you
18 had no other roles in investigating the murder of
19 Marek Majdak?

20 A Yes.

21 Q Yes you had additional roles or yes my
22 statement was correct?

23 A To the best of my memory that was the
24 only two incidents that I was involved in this

1 case.

2 Q Did you participate in the questioning
3 of Xavier Walker?

4 A No, I did not.

5 Q Why did you go along to arrest him?

6 A A lot of times the arrest of a homicide
7 offender can be a very violent and very dangerous
8 occurrence. We try to take as many people as
9 possible.

10 Q So at the time you went to arrest Xavier
11 Walker you had probable cause to believe that he
12 had committed the murder?

13 A Yes.

14 Q And what was that based on?

15 A Witness statements.

16 Q Whose?

17 A Ursula Byrd and I believe Mary Curry.
18 (Phonetic sp.)

19 Q Okay.

20 A There might have been others but those
21 are the two that I remember right now.

22 Q How many people went to arrest Xavier?

23 A Maybe six or seven.

24 Q And that was standard procedure as far

1 as you knew?

2 A There's really no standard procedure,
3 ma'am. It depends upon the availability of
4 personnel but normally you want more than just one
5 or two people.

6 Q Who all do you recall participating in
7 the arrest of Xavier Walker?

8 A I believe it was Detective Cruz and
9 Wilberton, Bright and Sanders, Pietryla. His
10 partner at the time was Cook County Sheriff's
11 Police Detective Brzeniak. And myself. (Phonetic)

12 Q Do you know how Brzeniak happened to be
13 partnered with Pietryla?

14 A At the time there was a, uh, I don't
15 know if it was a program but for lack of a better
16 word there was a program where Cook County
17 sheriff's police detectives were detailed to the
18 Chicago Police Department Detective Division to
19 work in Violent Crimes.

20 Q So this wasn't anything that was
21 irregular?

22 MR. MILLER: Objection. Vague and
23 foundation.

24 THE WITNESS: No, I don't believe it was

1 irregular. It was sanctioned.

2 BY MS. SAMUELS:

3 Q How did you come to be informed where
4 Xavier Walker was?

5 A I don't recall.

6 Q All right. What do you recall about the
7 arrest of Xavier Walker?

8 A I have no independent memory of this
9 arrest at all.

10 Q Did you draft any reports about your
11 role or the actions that you took in the
12 investigation into the murder of Marek Majdak?

13 A Excuse me, ma'am. Can you repeat that?

14 Q Did you draft any reports about your
15 role in the investigation into the murder of Marek
16 Majdak?

17 A No, ma'am, I did not.

18 Q Why not?

19 A I wasn't involved in the investigation.

20 Q You participated in the arrest though of
21 one of the suspects, correct?

22 A Yes, I did.

23 Q All right. So how would you describe
24 that?

1 MR. MILLER: Object to form.

2 THE WITNESS: I don't understand what you
3 mean, what you want me to describe.

4 BY MS. SAMUELS:

5 Q Right. So when I say you participated
6 in the investigation into the murder of Marek
7 Majdak, you contend that you didn't participate in
8 the investigation, correct?

9 A Yeah. I didn't do any investigatory
10 steps in this investigation, that is correct.

11 Q Right. And so I guess I'm asking how
12 you would describe your role.

13 MR. MILLER: Object. Asked and answered.
14 Go ahead.

15 THE WITNESS: Very minimal.

16 BY MS. SAMUELS:

17 Q Did you have supervisory duties or roles
18 over the people who were investigating the murder
19 of Marek Majdak?

20 A No, I was not the supervisor assigned to
21 this investigation to the best of my memory.

22 Q Okay. Did you ever assign any police
23 officers to engage in certain tasks for the
24 investigation?

1 A Yes, I did.

2 Q How did that come to be your
3 responsibility?

4 A I don't know exactly. I don't recall
5 but from reading the reports I assigned Detective
6 Pietryla who I knew was the assigned detective on
7 this investigation to interview a witness who was
8 in the Area.

9 So I would have come to work about
10 3:00 that afternoon and would have been informed
11 that there was a witness, there was a witness
12 present in the Detective Division area and it was
13 a witness in this homicide investigation.

14 I knew that Pietryla was assigned to
15 it. When Detective Pietryla came to work that
16 evening, I would have told him -- I can't
17 remember the woman's name that was in the Area and
18 had Detective Pietryla interview her or she was
19 there to be interviewed.

20 Q How did Marek Majdak come to be in the
21 4700 block of West Ohio, what was your
22 understanding?

23 A Nobody could ask him. I would assume he
24 was there to buy narcotics.

1 Q Did you ever come to learn that there
2 was a bite mark on Marek Majdak?

3 A Yes, in preparing for this case.

4 Q Did you ever --

5 A Or for this deposition.

6 Q Did you ever come to --

7 A I'm sorry.

8 Q I apologize. If you want to complete
9 your answer, go ahead.

10 A I was made aware of it while preparing
11 for this inves -- or for this deposition.

12 Q Did you ever come to understand where
13 that bite mark came from?

14 MR. MILLER: Object. Calls for
15 speculation, foundation.

16 THE WITNESS: No. I never knew where
17 that came from.

18 BY MS. SAMUELS:

19 Q Is it fair to say that at the time that
20 you were investigating -- or at the time that you
21 were participating with the investigation into the
22 murder of Marek Majdak that you weren't aware of
23 the bite mark?

24 A At the time -- so are you asking me

1 during the course of the investigation into this
2 murder if I was aware of that bite mark --

3 Q Yes, sir.

4 A (Continuing) -- or are you asking --

5 You said I was participating in this
6 investigation. So I would -- I don't understand
7 what you mean by my participation in this
8 investigation of the homicide.

9 Q I believe I said participating with
10 because I believe you said that you assisted in
11 some ways even though you weren't one of the main
12 investigators.

13 A All right. So if you're asking me at
14 the time that I went on the arrest with the
15 detectives of Maurice Wright (sic) was I aware of
16 a bite mark? No, I was not.

17 Q At any point during May, June, July or
18 August of 2020 did you become aware of the bite
19 mark on the victim?

20 A No, ma'am. I wasn't a supervisor on the
21 case. I wasn't aware of all the details of this
22 investigation.

23 Q Who was the supervisor on the case?

24 A I don't have a memory of who the

1 supervisor was. I mean I don't believe it was me
2 I should say. If it had been me, I would have
3 read the reports as they were being written. I
4 would have approved them and I would have known
5 about that bite mark.

6 Q The 4700 block of Ohio is that also a
7 large area of prostitution?

8 A It may be. There are prostitutes that
9 work Cicero Avenue. I would assume, yes.

10 Q Do you believe trying to identify how
11 the victim came to have a bite mark on him is a
12 reasonable avenue of inquiry for a murder
13 investigation?

14 MR. MILLER: Object to the form of the
15 question.

16 THE WITNESS: Yes.

17 BY MS. SAMUELS:

18 Q So in May of 2000 what were your -- You
19 were a sergeant at that time, correct?

20 A I was what?

21 Q A sergeant at the time.

22 A Yes, ma'am, I was.

23 Q What were your job duties in May of
24 2000?

1 A I was a sergeant assigned to Area 4
2 Violent Crimes. I hadn't been there that long so
3 I was handling basically I believe general
4 assignments but at times I was the only sergeant
5 working so I would assign detectives to jobs as
6 they came in.

7 Q And when you say you were "handling
8 general assignments," what does that mean?

9 A At the time Violent Crimes handled --
10 I believe at the time Violent Crimes handled
11 robberies, aggravated batteries, domestics,
12 homicides obviously, kidnappings, serious
13 batteries. There are other crimes too. There's a
14 whole list.

15 Q And so your job was to assign detectives
16 to crimes as they occurred?

17 A Depending upon whether or not detectives
18 were going to be assigned to respond immediately
19 to that job. There were other methods in which
20 detectives were assigned to non-immediate
21 responses.

22 Q What else were your job duties?

23 A That's pretty much it.

24 Q So all you did was assign people to

1 jobs?

2 MR. MILLER: Objection. Misstates the
3 testimony.

4 THE WITNESS: Can you ask me that
5 question again?

6 BY MS. SAMUELS:

7 Q I said all you did was assign people to
8 jobs?

9 A Pretty much, yes. If I was the only
10 sergeant working. I was still a relatively new
11 sergeant in the Detective Division at that time.
12 I would review and approve certain reports.

13 Q What reports?

14 A What did you say?

15 Q What reports?

16 A Death investigations. That was pretty
17 much it I think but I don't remember exactly. It
18 wasn't homicides at that point.

19 Q Okay. What was your date of assignment?

20 A To Area 4, ma'am, or to the police
21 department?

22 Q To the police department.

23 A 2 May 1988.

24 Q All right. And where were you first

1 assigned?

2 A After the academy, my first assignment
3 was the 14th District.

4 Q How long were you there?

5 A Approximately two and a half years, two
6 years I believe.

7 Q While you were there, did you have a
8 regular partner?

9 A No, I did not.

10 Q While you were there, did you have any
11 special assignments?

12 A No, ma'am. I was assigned to patrol.

13 Q All right. And do you remember who your
14 immediate supervisor was?

15 A No. No, ma'am, I do not.

16 Q After the 14th District, what was your
17 next assignment?

18 A I transferred to the 15th District.

19 Q That would have been around 1990?

20 A I believe it was early in 1990.

21 Q How long were you in the 15th District?

22 A Until I was promoted to sergeant in
23 1997.

24 Q What were your job titles in the 15th

1 District?

2 A I was a patrolman.

3 Q Anything else?

4 A No. I was a patrolman until I was
5 promoted to sergeant.

6 Q Were you ever assigned to any special
7 units?

8 A I worked on a tact team and the gang
9 team in 15.

10 Q When were you assigned to the tact team?

11 A When was I assigned to the tact team? I
12 don't remember, ma'am. Sometime in 1990.

13 Q And how long were you on the tact team?

14 A Mostly until I was promoted to sergeant
15 in 1997.

16 Q So were you on the tact team and the
17 gang team at the same time?

18 A No. I went from one tact team to the
19 gang team.

20 Q All right. So when did you join the
21 tact team?

22 So you joined the tact team in 1990
23 you said?

24 A Yes, ma'am.

1 Q And when did you join the gang team?

2 A Not long before I left in 1997.

3 Q All right. And what --

4 A I don't remember how long it was.

5 Q And what were your job responsibilities
6 as a member of the tact team?

7 A We pretty much -- The tact team we were
8 pretty much directed by the district commander's
9 discretion.

10 MS. SAMUELS: I see somebody trying to
11 get in. Is that your client?

12 MR. MILLER: I can't see who is trying to
13 get in. It's probably David.

14 MS. SAMUELS: It is just a bunch of
15 numbers so I didn't want to just let anybody in.

16 MR. MILLER: Let me check.

17 MS. SAMUELS: All right. Can you please
18 identify yourself?

19 MR. MILLER: Oh, yeah. That's David
20 Wright.

21 You're fine, David. Just put
22 yourself on mute.

23 BY MS. SAMUELS:

24 Q So you said you -- I was asking what

1 your responsibilities were as a member of the tact
2 team and I believe you said you sort of acted at
3 the direction of the district commander?

4 A Yes, ma'am.

5 Q All right. And what were --

6 A Primarily narcotics and guns, that type
7 of enforcement.

8 Q Did you have to receive any special
9 training to become a member of that tact team?

10 A No.

11 Q And then you said towards the end of
12 your time at the 15th District you joined the gang
13 team?

14 A Yes.

15 Q Did you have to receive any special
16 training to become a member of the gang team?

17 A No.

18 Q What was the difference in being a
19 member of the gang team as opposed to the tactical
20 team?

21 A There really wasn't much of a
22 difference. I believe the gang teams didn't get
23 detailed out of the district from my memory of it.

24 Q As a member of the gang team, did you

1 receive any specialized training or learning on
2 Chicago area gangs?

3 A No.

4 Q And then in '97 you became a sergeant,
5 correct?

6 A Yes.

7 Q And where were you first assigned as a
8 sergeant?

9 A To the 25th District.

10 Q How long were you there?

11 A Until I was sent to Area 4. Probably in
12 August of 1998.

13 Q And what were your responsibilities as a
14 sergeant in the 25th District?

15 A I worked as a patrol sergeant, as a gang
16 sergeant and as a tact sergeant, tactical
17 sergeant.

18 Q What does a patrol sergeant do?

19 A Supervises patrolmen on a specific
20 watch.

21 Q What does the gang sergeant do?

22 A Supervises a gang team.

23 Q I guess -- So when you say you
24 supervised patrolmen what is that?

1 A Conduct roll call, conduct roll call
2 training, read and approve reports, respond to
3 those officers' request for a supervisor. I think
4 that's pretty much it.

5 Q When you say that you supervised gang
6 officers, what does that entail?

7 A Pretty much the same thing except for a
8 smaller amount of individuals. It was an 8 or 10
9 man team normally.

10 Q As a patrol sergeant, are you primarily
11 in the station or are you also out doing patrols
12 still?

13 A So if you're the desk sergeant, you're
14 inside on a desk. And if you're a field sergeant,
15 you're on the street.

16 Q Which were you or would it just depend
17 on the day?

18 A No, I think I only worked the desk a
19 couple of times so most of the time I was on the
20 street.

21 Q As a gang sergeant, were you in the
22 field or were you in the station?

23 A There was a lot more paperwork to do so
24 I split my time between inside the office and on

1 the street.

2 Q Why was there more paperwork?

3 A You had to do a weekly tally of the
4 officers' arrests and whatever other paperwork.
5 Complaint register numbers were sometimes assigned
6 to you.

7 Oh, that was another duty of a --
8 when I was on the street as a patrol sergeant.
9 You were assigned complaint register numbers to
10 investigate.

11 Q Hold on. So when you said that there
12 was a lot more paperwork, was that for as a patrol
13 sergeant or as a gang sergeant?

14 A As a gang sergeant.

15 Q Okay. When you said you had a weekly
16 tally of arrests that you were supposed to keep
17 track of, was that as a patrol sergeant or as a
18 gang sergeant?

19 A Yes, that was as a gang sergeant. You
20 you still had to read their reports and approve
21 their reports also.

22 Q And when you said that you were assigned
23 to investigate CRs, was that as a patrol sergeant
24 or a gang sergeant?

1 A More as a patrol sergeant. But as a
2 gang sergeant, if a member of your team had a CR
3 number lodged against him, depending upon what it
4 was, you might have to investigate that also.

5 Q Okay. What happened with the tally of
6 arrests that you did or were keeping track of?

7 A I'm sorry. Excuse me?

8 Q What would you do after you tallied the
9 arrests, how was that used?

10 A It was turned into the front office. I
11 don't know what happened to it.

12 Q And then what was your job as a tactical
13 sergeant?

14 A Pretty much the same thing. The tact
15 teams and the gang teams were also, at that point
16 were starting to be detailed out a lot for
17 different festivals; Rush Street detail on the
18 weekends in the summertime, parades, stuff like
19 that. So you would have to go to a meeting on
20 that and then supervise the members of that team
21 during that detail.

22 Q And then you said you were -- This was
23 with the 25th District from approximately '97 to
24 '98, correct?

1 A Yes, ma'am.

2 Q After '98 where did you go?

3 A Area 4 Detective Division.

4 Q Is that the same thing as Area 4 Violent
5 Crimes or is that different?

6 A Violent Crimes is part of Area 4
7 Detective Division, yes. I believe at the time
8 there were Violent Crimes, Property Crimes and
9 Youth.

10 Q So Area 4 is all the Detective Division
11 and within that there is the Violent Crimes, Youth
12 Crimes and then other stuff?

13 A Property Crimes, yes, ma'am.

14 Q Oh, Property Crimes. Thank you.

15 And how long were you with the Area 4
16 Detective Division?

17 A So I was there until about 2003 when I
18 went to Area 5 Detective Division.

19 Q And what were your -- Did you have
20 different job titles while you were at the Area 4
21 Detective Division?

22 A At that time, no. I was a Violent
23 Crimes sergeant I believe for most of the time
24 there.

1 Q All right. And what does a Violent
2 Crimes sergeant do?

3 A Supervises detectives

4 MR. MILLER: Objection to the form of the
5 question, the time frame. Now or when he was a
6 sergeant?

7 BY MS. SAMUELS:

8 Q At the time that you were with the Area
9 4 Detective Division what were your job
10 responsibilities?

11 A So I had been assigned to Area 4 a
12 couple of different times. Are you talking about
13 in -- when I first got there in 1998?

14 Q Yes, sir.

15 A I was a Violent Crimes sergeant when I
16 went there in 1998.

17 Q And what did that entail?

18 A Pretty much the same duties, supervising
19 detectives.

20 Q You said that -- So did you have to do
21 a roll call?

22 A Yes, I did roll calls at times.

23 Q Reading and approving reports?

24 A Yes.

1 Q Responding to requests for supervisors?

2 A From a detective, yes.

3 Q Okay. Did you have to do tallies for
4 arrests?

5 A No. The Detective Division arrests
6 weren't -- Yes, we didn't count arrests in the
7 Detective Division.

8 Q Why not? Do you know why?

9 MR. MILLER: Objection. Calls for
10 speculation, foundation.

11 THE WITNESS: No, I do not.

12 BY MS. SAMUELS:

13 Q Was there some other factor that you
14 guys would generally measure as opposed to
15 arrests?

16 MR. MILLER: Object to foundation.

17 THE WITNESS: In regards to what, ma'am?

18 BY MS. SAMUELS:

19 Q Was it like -- Did you keep track of
20 closed cases or anything like that that you had to
21 regularly report who was doing an arrest?

22 MR. MILLER: Object to form.

23 THE WITNESS: Myself, no, I did not.

24

1 BY MS. SAMUELS:

2 Q Did anybody else in the division?

3 MR. MILLER: Object to foundation.

4 THE WITNESS: I don't know. One of the
5 things would be -- that I know was tracked in the
6 Detective Division were things that were called
7 late jobs but I don't know what other stats the
8 Detective Division kept.

9 BY MS. SAMUELS:

10 Q Okay. And what were late jobs?

11 A A late job would be an assignment that
12 wasn't tied up would be one way to say it, wasn't
13 -- the investigation wasn't completed.

14 Now, that doesn't count homicides
15 because homicides always remain open unless it's
16 closed.

17 But late jobs -- The late job would
18 normally be for other cases. Robberies,
19 aggravated batteries, domestics, armed robberies,
20 thefts, things of that nature would be tracked if
21 they remained open and that goes in the job
22 statuses but that weren't closed in one way or
23 another.

24 Q Were you still getting assigned CRs to

1 investigate?

2 A No. I don't remember handling very many
3 CRs in my entire career for length of time in the
4 Detective Division. You would get one
5 occasionally.

6 Q All right. So if I'm understanding you
7 correctly, there weren't a lot to investigate but
8 that would still be your job responsibility?

9 A I'm sorry. Excuse me?

10 Q I said if I'm understanding you
11 correctly there weren't many CRs to investigate
12 but that was still technically one of your job
13 responsibilities?

14 A I would say there were a lot less CR
15 numbers in the Detective Division than in the
16 Patrol Division, yes. Occasionally you would get
17 one but they were very few and far between. I
18 don't necessarily remember being assigned any.

19 Q I think we understand each other, okay.

20 And then from '03 you went to the
21 Area 5 Detective Division?

22 A Yes.

23 Q All right. How long were you there?

24 A A couple of years. Maybe three or four.

1 Q So roughly '03 to '06?

2 A Yeah, I think so. I don't remember. I
3 really don't remember, ma'am.

4 Q Were you still a Violent Crimes sergeant
5 with the Area 5 Detective Division?

6 A Yes.

7 Q So basically the same job responsi-
8 bilities that we just went over for what you did
9 in Area 4?

10 A Yes, ma'am.

11 Q After Area 5 Detective Division, where
12 did you go?

13 A I went back to Area 4 Detective
14 Division.

15 Q How long were you back in Area 4?

16 A Until it closed.

17 Q When was that?

18 A March of 2012.

19 Q When you -- During the time that you
20 were at Area 4 Detective Division for your second
21 stint, were there changes in your responsibilities
22 as a Violent -- Well, I will ask that question
23 first.

24 Were you a Violent Crimes sergeant

1 when you came back to Area 4?

2 A Yes.

3 Q Okay. During your time you were a
4 Violent Crimes sergeant at Area --

5 A Actually at some point -- At some
6 point, I believe when I was in Area 4 the first
7 time, they renamed and reorganized each Detective
8 Division. Violent Crimes was changed to Homicide,
9 Gangs and Sex.

10 Q Was this during the first time or the
11 second time?

12 A The first time I was in Area 4.

13 Q All right. And so when you came back
14 for the second time, what was your job title?

15 A I was a sergeant in Homicide. I believe
16 it was still called Homicide, Gangs and Sex.

17 Q Okay. And were there changes in your
18 job responsibilities during your second stint at
19 Area 4?

20 A The responsibilities were pretty much
21 the same but yes.

22 Q What were the differences, if any?

23 A I predominantly supervised homicide
24 investigations.

1 Q So is it fair to say the scope of what
2 you supervised changed but not necessarily what
3 you were doing as a supervisor?

4 A Yes.

5 Q Okay. Did you stay that way during your
6 entire stint from '06 to -- from roughly '06 to
7 '12?

8 A When I was in Area 5, I was on midnights
9 for a year or maybe two years, then went to days.
10 Midnights you kind of have to handle everything
11 when it comes in so -- But I would say
12 predominantly, yes, homicides. What year it
13 started I don't remember.

14 Q Okay. Did your job title remain a
15 homicide sergeant -- well, Homicide, Gangs and Sex
16 from '06 to '12?

17 A At some point they changed the name
18 again. I believe that was when we went back to --
19 In 2012, they reorganized the whole Detective
20 Division again and then it went back to Violent
21 Crimes again. Instead of Homicide, Gangs and Sex
22 it went back to Violent Crimes, Property Crimes,
23 SVU. Those were the three offices.

24 Q You stayed with Violent Crimes?

1 A Yes.

2 Q What was your next area of assignment or
3 job title?

4 A So in March of 2012 the police
5 department reorganized the Detective Division
6 again from five Detective Division areas down to
7 three and they renamed them and I went to Area
8 North Violent Crimes.

9 Q How long were you --

10 MS. ITCHHAPORIA: This is Misha. Sorry
11 to interrupt. David Wright got kicked off and
12 needs to get back in.

13 MS. SAMUELS: Okay.

14 Q When did you -- How long were you with
15 Area North Violent Crimes?

16 A Until another reorganization in the
17 Chicago Police Department Detective Division in --
18 I went back to Area 4. I believe it was in
19 February of 2020. The Area opened in I believe
20 April of 2020.

21 Q So from roughly March 2012 to February
22 2020 you were with Area North Violent Crimes?

23 A Yes, I had a homicide team there.

24 Q What was your job title?

1 A I was a sergeant.

2 Q And you said you had a homicide team.
3 What does that mean?

4 A I had a team of detectives that were --
5 for the most part in a perfect world would only be
6 assigned to homicide investigations. It never
7 worked out that way but on paper that's the way it
8 was supposed to work.

9 Q And was that part of the reorganization
10 where they changed that or is that --

11 A Yes, that was part of the
12 reorganization.

13 Q Okay. Did your job responsibilities
14 change when you started working for Area 4 Violent
15 Crimes?

16 A No, just the amount of area that we
17 covered and the amount of cases.

18 Q And then from February 2020 what was
19 your next assignment?

20 A I went back -- In another
21 reorganization, under the Chicago Police
22 Department's Detective Division they expanded the
23 Detective Division areas back to having five
24 Detective Division areas and I went back to Area 4

1 Homicide.

2 Q And did you do that until your
3 retirement?

4 A Yes, ma'am.

5 Q All right. Were you in charge of a
6 homicide team with Area 4 during the third stint?

7 A I was the supervising sergeant of a
8 homicide team in Area 4, yes.

9 Q And was there any change in your job
10 responsibilities as a supervising sergeant for the
11 Area 4 homicide team?

12 A Were there any responsibilities?

13 Q Was there any change in
14 responsibilities?

15 A No.

16 Q Did you ever receive any training on how
17 to conduct a homicide investigation?

18 A On-the-job training.

19 Q All right. When was that?

20 A Pretty much the entire time that I was
21 in Area 4 -- I mean in the Detective Division.

22 Q Oh, I'm sorry. So you essentially just
23 were learning the ropes while doing the job, not
24 like a special course that they had you take or

1 anything like that?

2 A No, ma'am.

3 Q Have you ever received any training on
4 how to conduct interrogations?

5 A No, ma'am.

6 Q What about interviewing suspects?

7 A No, ma'am.

8 Q Have you received any training on how to
9 conduct or use lie detector tests?

10 A No, ma'am. That's a specific job in the
11 Chicago Police Department.

12 Q Does CPD still use lie detectors?

13 A The polygraph exam, ma'am? I don't
14 know. I have been retired for a year and a half.
15 I don't know what they currently do.

16 Q At the time that you retired did CPD
17 still use polygraphs?

18 A Were they using polygraphs at the time I
19 retired; is that your question, ma'am?

20 Q Yes.

21 MR. GRAHAM: Object to foundation.

22 THE WITNESS: Yes.

23 BY MS. SAMUELS:

24 Q Have you ever received any training on

1 Brady obligations?

2 A On what, ma'am?

3 Q On Brady obligations.

4 A No, ma'am.

5 Q So part of --

6 MR. MILLER: Can we take a break? Are we
7 close to like a break time?

8 MS. SAMUELS: Sure, we can take a break.
9 How long do you need?

10 MR. MILLER: Probably just like five
11 minutes to use the restroom.

12 MS. SAMUELS: All right.

13 (Whereupon, a recess was had.)

14 Q Did you ever receive any training on how
15 to conduct CR investigations?

16 A Yes.

17 Q Okay. When was that?

18 A When I was in sergeant school.

19 Q To the best of your recollection have
20 you ever sustained a CR?

21 A As an investigator --

22 Q Yes, sir.

23 A (Continuing) -- do you mean or against
24 myself?

1 Q No, as an investigator.

2 MR. MILLER: Object to foundation.

3 THE WITNESS: I believe I did on an
4 escape.

5 BY MS. SAMUELS:

6 Q So essentially somebody was in custody
7 and they got away from the officer?

8 A From what I remember, yes.

9 Q Have you ever sustained a CR where it
10 was a complaint from a citizen against an officer?

11 MR. MILLER: Object to foundation.

12 THE WITNESS: That I don't remember.

13 BY MS. SAMUELS:

14 Q Was it ever your job to review use of
15 force reports or to approve them?

16 A So the only use of force report that I
17 know of is called a TRR, a Tactical Response
18 Report. I don't believe I've ever -- Those
19 aren't approved at the sergeant's level. They're
20 reviewed by a sergeant and I don't remember ever
21 doing one.

22 Q Meaning never reviewing them?

23 A While I was working, no, I don't
24 remember being the reviewing sergeant or

1 supervisor on a TRR. I may have but I don't
2 remember it. It's a relatively new report,
3 probably within the last 5 or 10 years.

4 Q Have you ever been trained on how to
5 interact with a confidential informant?

6 MR. MILLER: Object to form.

7 THE WITNESS: Like most of the training
8 that I received on the job in the Detective
9 Division, a lot of it was on-the-job training. I
10 don't specifically remember anything on a
11 confidential informant.

12 BY MS. SAMUELS:

13 Q So is it fair to say that the knowledge
14 you gained on how to use or interact with a
15 confidential informant was gained through your
16 experience as a police officer?

17 A Yes.

18 Q Okay. And based upon that if an officer
19 came to you and they say I have somebody who wants
20 to be a confidential informant can you sort of
21 walk me through the process of how that would be
22 handled?

23 MR. MILLER: Object to foundation.

24 THE WITNESS: I could only say what I

1 dealt with in confidential informants.

2 BY MS. SAMUELS:

3 Q Sure. So can you walk me through that?

4 MR. MILLER: Object to form, foundation,
5 incomplete hypothetical.

6 THE WITNESS: I've used the term
7 confidential informants to obtain search warrants
8 when I was working in the 15th District or a John
9 Doe warrant. That process would be a citizen who
10 did not want to be identified who had reliable
11 information. We didn't deal with CIs a lot,
12 ma'am.

13 BY MS. SAMUELS:

14 Q So to your knowledge is there any
15 official procedure or protocol for handling
16 someone so that they can be classified as a
17 confidential informant?

18 MR. MILLER: Object to foundation, form.

19 THE WITNESS: So the term confidential
20 informant is used pretty loosely, if I remember
21 right. I know that some people -- I don't know
22 how to answer that, I really don't.

23 BY MS. SAMUELS:

24 Q I understand and I think I get what

1 you're getting at so we're going to try to work
2 through this.

3 Confidential informant is that term
4 sometimes used loosely to describe someone who may
5 provide you information but doesn't want their
6 name -- or they don't want it to get out that they
7 have spoken with the police?

8 A That's my understanding of it. And it
9 can be my understanding of it. I know that --
10 I'm done.

11 Q And I guess the question that I was
12 getting at is was there more official confidential
13 informant process during the time that you were a
14 Chicago police officer?

15 MR. MILLER: Object to foundation, form.

16 THE WITNESS: There is something that's
17 referred to as a registered confidential informant
18 that I know of.

19 BY MS. SAMUELS:

20 Q What's a registered confidential
21 informant?

22 A My understanding of it, and I have no
23 direct knowledge of narcotics use, the Narcotics
24 Unit uses registered confidential informants. I

1 believe in my understanding, though I'm not an
2 expert on it and have never dealt with it, I
3 believe those individuals are -- can be paid. I
4 really don't know how that works.

5 Q So if someone came with critical
6 information in a homicide investigation but they
7 didn't want their name to get out, would that
8 information be kept anywhere?

9 MR. MILLER: Object to form, foundation,
10 incomplete nature of the hypothetical.

11 THE WITNESS: What information, ma'am?

12 BY MS. SAMUELS:

13 Q The identity of the person providing
14 information.

15 A Sometimes those people -- My knowledge
16 of that, I don't have any but I would assume --

17 I know of instances where people have
18 talked to detectives on the scene and refused to
19 identify themselves; but you would have to ask
20 that individual if you're asking something
21 specific in this investigation, the individual who
22 used that term CI or confidential informant.

23 What my understanding and what the
24 detective that authored a specific report, his

1 meaning of the term CI is only going to be known
2 to him and not to me.

3 Q Right, I understand that. I guess I'm
4 asking more generally based upon your
5 understanding of homicide investigations, right.
6 And so --

7 A Yes.

8 Q (Continuing) -- on the one hand you have
9 the interest of the person who is giving the
10 information as their privacy or security concerns,
11 correct?

12 A Could be. Again, it's going to be --
13 My use of the term CI in a homicide investigation,
14 I don't think I've ever used that term in any
15 report I have ever authored.

16 Q I guess -- Let me just ask my question
17 because here's what it is, right. So as a police
18 officer, you understand that if a case goes -- if
19 a person gets charged or if a case goes to trial,
20 you have a responsibility to turn over evidence to
21 the defendant down the line, correct?

22 A That's absolutely.

23 Q All right. And so if part of building
24 your case is relying on information from a person

1 who doesn't want to be identified, how do you
2 handle that?

3 MR. MILLER: Object to the incomplete
4 nature of the hypothetical, form.

5 THE WITNESS: If somebody provided you
6 with information, you would have to substantiate
7 that through -- Nobody is going to get charged on
8 word of mouth or someone who -- Under the
9 constitution, you have to provide that complainant
10 or witness or the person providing it for a trial.

11 So that homicide investigation,
12 though it may give you a piece of information, you
13 have to find somebody that will testify to that
14 information. So it could be a lead but it's not
15 going to get a case charged on your term of a CI.

16 BY MS. SAMUELS:

17 Q I appreciate that. I guess what I'm
18 getting at is so say they say I saw so and so
19 shoot somebody, right, but I don't want to be a
20 part of this, I don't want my name coming out and
21 if you go over to this location, you'll find the
22 gun, right. And so you're able to independently
23 corroborate what they said because you find the
24 gun and it's got fingerprints or whatever.

1 How would you handle the
2 confidentiality portion of that?

3 MR. MILLER: Object to form, incomplete
4 hypothetical.

5 THE WITNESS: So we have had information
6 where a citizen -- I've had instances where a
7 citizen who refused to be identified stated that,
8 you know, and it would just be written pretty much
9 that way; a person who wished to remain anonymous
10 is what I would do.

11 BY MS. SAMUELS:

12 Q Is there a difference between a person
13 who wishes to remain anonymous and a confidential
14 informant?

15 A To me, yes, but confidential informant
16 would be somebody that I would know. But again,
17 like I said before, the person who uses that in a
18 report may have an entirely different meaning of
19 that.

20 Q Right. Is it fair to say that in --
21 throughout your history as a police officer and
22 your understanding of the use of the term,
23 confidential informant refers to someone who's
24 working with a police officer or with the police

1 department on a matter?

2 MR. MILLER: Object to form, misstates
3 prior testimony.

4 Go ahead.

5 THE WITNESS: Again, if I was reviewing a
6 report and you as the detective used the term
7 confidential informant, I would ask that detective
8 what do you mean by confidential informant.

9 I can't answer your question because
10 to you it may have an entirely different meaning
11 than it does to me, whether your experience is the
12 same as mine or greater than mine. I can't answer
13 that.

14 BY MS. SAMUELS:

15 Q Right. So I'm asking what your
16 understanding of the term is as a police officer?

17 MR. MILLER: Objection. Asked and
18 answered.

19 Go ahead.

20 THE WITNESS: My understanding of a
21 confidential informant is somebody that comes to
22 me and gives me information and I know who that
23 individual is.

24 BY MS. SAMUELS:

1 Q All right. And so -- We spoke about
2 your role in helping with the investigation. How
3 about -- I'll just ask the question.

4 During your review of the case, did
5 you come to learn or understand that Marek Majdak
6 had been murdered on the night of May 12th going
7 into the early morning of May 13th, 2000?

8 A Yes. I would have been aware of that
9 homicide. I don't know when I came to work or
10 when I was working but eventually I would have
11 been aware that there was a recent homicide at
12 that location.

13 Q Can you explain the general steps in a
14 homicide investigation such as this? Well, I
15 don't know that such as this even makes sense
16 because I suppose homicides take place in all
17 different ways.

18 But when you have a shooting that
19 took place in public, are there general steps that
20 you would expect to see in every investigation of
21 the homicide?

22 MR. MILLER: Object to the form of the
23 question.

24 THE WITNESS: So each homicide is

1 different. So it would depend on the
2 circumstances of that homicide. So you'd have to
3 be a little more specific in that, ma'am. That's
4 kind of really general.

5 BY MS. SAMUELS:

6 Q Okay. So I guess I'm asking regardless
7 of circumstances are there certain things you
8 would expect to see in every homicide
9 investigation?

10 MR. MILLER: Object to the form of the
11 question.

12 THE WITNESS: Yes.

13 BY MS. SAMUELS:

14 Q Okay. And what are some of those
15 things?

16 A The list of -- Well, I mean the
17 victim's name if it's known. Eventually it should
18 be known. The date, time and location of the
19 occurrence, the detectives who responded, who
20 assigned the detectives, who was on the scene, the
21 condition of the body, the suspected manner of
22 death, cause of death and manner and what steps
23 were initially taken by the responding detectives.

24 Q I guess for a homicide that took place

1 on a sidewalk or on the street, would you expect
2 there to be a canvass of that area?

3 MR. MILLER: Object to the form, the
4 incomplete nature of the hypothetical.

5 THE WITNESS: Again, depending upon the
6 type of area that it was, yes.

7 BY MS. SAMUELS:

8 Q From what you know of the murder of
9 Marek Majdak, would you expect there to have been
10 a canvass?

11 A Yes.

12 Q And when are canvasses supposed to be
13 conducted?

14 MR. MILLER: Object to form, foundation,
15 incomplete nature of the hypothetical.

16 THE WITNESS: They're normally done at
17 some point upon the arrival of -- at the scene.
18 Sometimes they're done the next day, they have to
19 locate -- A recanvass sometimes is done if you
20 get no answers or the person that was home was at
21 work when you went there. There could be a
22 variety of times but normally to at least
23 initially conduct it at the time of the arrival of
24 the detectives on the scene.

1 BY MS. SAMUELS:

2 Q And I would just like to make sure we
3 are on the same page. When I say canvass, what do
4 you understand that to mean?

5 A Canvass means an attempt to locate
6 witnesses. If it's a residential neighborhood, it
7 would include knocking on doors. It would also
8 include in today's age looking for video sources.
9 But predominantly to locate an eyewitness to the
10 event or circumstantial witness also.

11 Q So I believe earlier, correct me if I'm
12 wrong, that you recall participating in the arrest
13 of Xavier Walker -- I'm sorry -- participating in
14 the arrest of Xavier Walker, assigning Detective
15 Pietryla and assigning Detective Pietryla to talk
16 to somebody who came into Area 4, is that correct?

17 MR. MILLER: Was the question you asked
18 if he testified to that or whether he remembers
19 it, was that the question?

20 MS. SAMUELS: If that's what he recalls
21 his role being in the investigation.

22 THE WITNESS: It is not an independent
23 memory. It's from reading the reports but yes.

24

1 BY MS. SAMUELS:

2 Q Do you have any independent recollection
3 of your role in the investigation into the murder
4 of Marek Majdak?

5 A None whatsoever, ma'am.

6 Q Can you describe your appearance in May
7 of 2000?

8 A I had hair. Probably 6' 1, 200 pounds.
9 I would have had a mustache and I wore glasses,
10 eyeglasses. The hair would have been brown, my
11 eyes are green and I'm a male white.

12 Q When did you first learn that this case
13 was being re-looked at?

14 A I believe I was contacted at some point
15 by the Cook County State's Attorney.

16 Q Who were you contacted by?

17 A I'm not certain but I believe it was
18 Jennifer Ravin.

19 Q Is it normal procedure for you to be
20 contacted when a murder investigation is being
21 re-looked at?

22 MR. MILLER: Object to foundation, form.
23 Calls for speculation.

24 THE WITNESS: That's the first time I've

1 ever had that occurrence.

2 BY MS. SAMUELS:

3 Q I guess -- Do you have any prior --
4 Well, do you know Jennifer Ravin or do you have
5 any prior relationship?

6 A I don't have a relationship with her.
7 She's a Cook County State's Attorney and I believe
8 to this day but I'm not certain.

9 I might have had a trial with her
10 before and I believe I dealt with her while she
11 was assigned to Felony Review.

12 Q When you say you "dealt with her" when
13 she was on Felony Review, what does that mean?

14 A She would have been in the Detective
15 Division area that I was working with a case that
16 was being reviewed by the Cook County State's
17 Attorney's Office for charging purposes or for
18 witness interviews.

19 Q And to be clear, I'm not trying to imply
20 or impute any sort of personal relationship. What
21 I mean by relationship was like have you worked
22 together; did you know her or was this just some
23 random person calling you, if that makes sense?

24 A I knew her professionally in her role as

1 a Cook County State's Attorney. I believe I had
2 had a trial with her.

3 Q Okay. Do you recall when that trial
4 was?

5 A No, ma'am, I do not.

6 Q And when you say "you had a trial with
7 with her," I assume that she was prosecuting a
8 case you had investigated?

9 A That I was part of. I have never been
10 assigned as a criminal -- I have never been
11 assigned as a primary investigator to a homicide
12 case. It would have been during the course of a
13 trial.

14 Q And so what did you and Attorney Ravin
15 talk about?

16 A I believe, and I don't have a vivid
17 memory of it, I believe that she informed me that
18 this case was coming up either for review or trial
19 and if I remembered anything about it.

20 Q Do you know why she was reaching out to
21 you instead of -- Well, what did you tell her --
22 I'm sorry. I'm asking like six questions and I
23 keep stopping.

24 So when she asked you if you

1 remembered anything about the case, what did you
2 respond?

3 A No, I did not remember anything about
4 the case.

5 Q Did you discuss anything else during
6 that call?

7 A Not to the best of my memory, no.

8 Q Did you have any -- Was that the first
9 time you had discussed the case with anybody from
10 the Cook County State's Attorney's Office since it
11 had I guess closed?

12 A I believe we discussed it but -- I
13 guess in the correct term we did. I never
14 testified in this case and I was never called as a
15 witness in this case so that's the first time I
16 ever remember talking to a Cook County State's
17 Attorney about this case.

18 Q So to the best of your recollection how
19 long was this conversation?

20 A Minutes, a couple of minutes.

21 Q Did she give you any materials to
22 review?

23 A No.

24 Q After the conversation, did you look up

1 the case?

2 A I don't remember if I did or not. It
3 didn't sound like I was going to be testifying or
4 anything to that point. She said she would get
5 back to me I believe. I don't believe I looked it
6 up. I might have but I don't believe I did.

7 Q And then what happened?

8 MR. MILLER: Object to form.

9 THE WITNESS: I don't know what you mean,
10 ma'am.

11 BY MS. SAMUELS:

12 Q Did you have any further conversations
13 with Miss Ravin?

14 A No, I have not.

15 Q Did you have any other conversations
16 with any other State's Attorney regarding the
17 case?

18 A Not to the best of my knowledge, no, I
19 did not.

20 Q Did you have any other communications
21 with Miss Ravin regarding the case?

22 A Again, not to the best of my knowledge.
23 No, I did not.

24 Q Did you ever speak with Mr. Walker's

1 attorney about the case?

2 A Aren't you his attorney, ma'am?

3 Q I'm sorry. His criminal attorney.

4 A Who's his attorney? Who was his
5 criminal attorney?

6 Q Julie Koehler.

7 A I remember getting notified that I
8 believe it was my CR file was requested by a
9 Public Defender and I believe it was Koehler.

10 Q Who notified you that your CR file was
11 being requested?

12 A I believe it was an email from the
13 police department's general counsel's office.

14 Q Do you always get an email when somebody
15 is looking at your CRs?

16 A I believe you do. I'm not certain but I
17 believe you do. And also, you know, if your
18 records are FOIA'd.

19 Q And does that email inform you of who is
20 requesting the information?

21 A I believe it does. I mean I don't
22 specifically remember it but I believe it does.

23 Q What did you do after you received that
24 email?

1 MR. MILLER: Object to form.

2 MS. SAMUELS: Oh, I'm sorry. Mr. Wright
3 got kicked out again. I'll let him in right now.

4 Q After you received the notification that
5 your CR file had been requested, then what
6 happened?

7 MR. MILLER: Object to form.

8 THE WITNESS: What do you -- Did I do
9 something? I don't know. I might have gone and
10 got a cup of coffee but I don't understand what
11 you mean.

12 BY MS. SAMUELS:

13 Q Sure. Did you contact anybody after you
14 learned that?

15 A I did.

16 Q Who did you contact?

17 A A couple of times I tried to call the
18 person that was requesting it so I assume that's
19 Koehler.

20 Q Okay. And why did you try to contact
21 her?

22 A When did I try to contact her?

23 Q Why?

24 A Because I wanted to know what it was

1 about.

2 Q And did you ever get in touch with her?

3 A I believe I did, yes.

4 Q What happened during that --

5 A I --

6 Q Go ahead.

7 A I don't remember exactly what happened.

8 I would have asked her why was she requesting my

9 CR file.

10 Q So you have no recollection of the

11 conversation you had with Miss Koehler?

12 A Well, I do remember that she was very
13 rude and didn't want to tell me what it was about
14 if that's what you mean.

15 Q Was that the first time your CRs had
16 been requested by someone?

17 MR. MILLER: Object to foundation, calls
18 for speculation.

19 THE WITNESS: No, but I -- Not that I
20 know of. I know that my CR file has been given
21 out in lawsuits that I've been involved in. I
22 don't know if you -- I mean I don't even know if
23 you have my CR file but I think that's a common
24 practice.

1 BY MS. SAMUELS:

2 Q Have you ever contacted anybody else
3 that requested your CR file?

4 A This is the only time that I know for
5 sure that somebody requested my CR file.

6 Q So it's fair to say this is the only
7 person you've ever contacted about requesting your
8 CR file?

9 A Yes, that I know of.

10 THE WITNESS: Can we take a break?

11 MR. MILLER: Yeah.

12 Can we take a break, Jeanette?

13 MS. SAMUELS: Sure.

14 (Whereupon, a recess was had.)

15 Q Is there anything else you recall about
16 your interactions with Miss Koehler?

17 A I believe I asked her for the RD number
18 on this case and I don't know if she gave it to me
19 or not. She wasn't very -- She wanted to know
20 why I was calling her. I said because you
21 subpoenaed my CR file, what is this in regards to,
22 was professional. She was very rude, didn't want
23 to answer any questions. She seemed to be very
24 upset that I called her.

1 Q I take it you called her on her work
2 number?

3 A That's the only number that I would have
4 had. I might have had to call the Public
5 Defender's Office. I never had her direct number
6 that I know of. I believe every time I called
7 there it might have been -- I called a couple of
8 times and left messages -- left at least one
9 message, and then eventually I called again and
10 the receptionist said she was in from what I
11 remember of it.

12 Q After you spoke with Miss Koehler, did
13 you receive any communications from the Cook
14 County State's Attorney's Office about that
15 interaction?

16 A No.

17 Q Besides -- I think I already asked you
18 that. Well, to be on the safe side. Besides the
19 one conversation with Miss Ravin did you have any
20 other communications with her about this case?

21 A You have to ask that again. You got
22 really garbled.

23 Q Besides the telephone call you testified
24 about with Miss Rabin did you have any further

1 communications with her about this case?

2 A With State's Attorney Rabin?

3 Q Yes, sir.

4 A No, I do not believe so at all.

5 Q What about anybody else from the SAO?

6 A The Cook County State Attorney's office,
7 is that what SAO means?

8 Q Yes, sir.

9 A No, I do not believe I had any
10 conversation with anybody. I might have but I
11 don't have any memory of it.

12 Q When did you learn that the convictions
13 had been overturned?

14 A When I got notified by my attorneys. I
15 believe that's when I learned of it.

16 Q And which attorneys were those?

17 A Borkan & Scahill, the firm. I don't
18 remember which attorney notified me.

19 Q Is it common -- Well, is it common for
20 suspects to be questioned in their homes?

21 MR. MILLER: Objection to form,
22 foundation and the incomplete nature of the
23 hypothetical.

24 THE WITNESS: Suspects, ma'am?

1 BY MS. SAMUELS:

2 Q Yes, sir.

3 A It's not -- I don't even know how to
4 put that in context. Are we talking about
5 something in this investigation or in this
6 lawsuit?

7 Q I'm talking generally through your
8 experience as a police officer who has handled
9 hundreds, unfortunately probably thousands, of
10 homicide investigations.

11 MR. MILLER: Same objection.

12 THE WITNESS: Each investigation is
13 different. So I have been on scenes where a
14 suspect is initially interviewed in his residence.
15 So as to how common or -- How common it is I
16 don't know.

17 BY MS. SAMUELS:

18 Q Would you expect that person to
19 eventually be taken to the police station for
20 further questioning?

21 MR. MILLER: Object to form, foundation
22 and incomplete nature of the hypothetical.

23 THE WITNESS: It would depend on the
24 circumstances. If there was probable cause to

1 arrest somebody or to detain them. Some people
2 use the word detain them. It would not be
3 uncommon.

4 BY MS. SAMUELS:

5 Q All right. Would it be common to
6 question witnesses in their home?

7 MR. MILLER: Object to form, foundation
8 and incomplete nature of the hypothetical.

9 THE WITNESS: Yes, that's not uncommon at
10 all.

11 BY MS. SAMUELS:

12 Q Is it common to bring State's Attorneys
13 with police officers to question witnesses at
14 their home?

15 MR. MILLER: Same objection.

16 THE WITNESS: That's not uncommon either.
17 Some witnesses will not go into a police station
18 to be interviewed or for various reasons can't go
19 into a police station to be interviewed, the
20 Detective Division area.

21 BY MS. SAMUELS:

22 Q So when a witness cannot or will not go
23 to a police station, it's common to make
24 arrangements to question them at whatever location

1 they are at?

2 MR. MILLER: Objection to form,
3 foundation, misstates the testimony, incomplete
4 nature of the hypothetical.

5 THE WITNESS: I would say it would not be
6 an uncommon practice.

7 BY MS. SAMUELS:

8 Q And when you say it would not be an
9 uncommon practice, do you just -- How do I put
10 this?

11 A Did you ask me a question, ma'am?

12 Q I didn't. I'm thinking. I'm sorry.

13 A Okay.

14 Q So in May of 2000 how often would you
15 expect to see detectives working with State's
16 Attorneys for questioning witnesses?

17 MR. MILLER: Object to form.

18 THE WITNESS: So the -- I can't say
19 normal but the way it would work is normally a
20 detective would interview a witness and/or an
21 offender; and depending upon the nature of the
22 case, the Cook County State's Attorney's Office
23 very well may also want to interview that witness.
24 So detectives obviously would work in conjunction

1 with the Cook County -- an Assistant Cook County
2 State's Attorney. So that would not be an
3 uncommon occurrence.

4 BY MS. SAMUELS:

5 Q And so in May of 2000 you would expect
6 to see State's Attorneys and detectives working
7 together to question witnesses?

8 MR. MILLER: Object to form.

9 THE WITNESS: It would depend on the
10 case, ma'am.

11 BY MS. SAMUELS:

12 Q I guess what I'm getting at is if you
13 saw a State's Attorney and a detective working
14 together to question a witness no red flags would
15 be going off in your head; is that fair to say?

16 A That's correct.

17 Q Okay. In May of 2000, was there a
18 procedure for documenting when a witness or a
19 suspect alleged that they were injured in police
20 custody?

21 A If he made that allegation to a police
22 supervisor then, yes, there was a procedure that
23 should be followed.

24 Q Okay. And what would be the procedure?

1 A If it was made to me as a supervisor, I
2 would physically look at the individual. I would
3 interview that individual. I would have an
4 evidence technician called to photograph that
5 individual. And I would contact -- I don't
6 believe -- I don't know if it was COPA or not.
7 No, it wasn't COPA. It was -- I believe at that
8 time it would have been the Office of Professional
9 Standards or OPS and obtain at the time it was
10 called a CR number.

11 And obviously, if the individual was
12 injured, you would seek medical attention for that
13 individual.

14 I don't know, I don't recall exactly
15 what the written procedures were but I believe
16 that's pretty close to it.

17 Q Okay. And if a person was in custody
18 and their attorney alleged that they were injured
19 during the course of being in police custody,
20 would the procedure be the same?

21 MR. MILLER: Object to form, incomplete
22 nature of the hypothetical.

23 Go ahead.

24 THE WITNESS: It would depend upon -- If

1 you're telling me that a client's -- that a
2 defendant's attorney, an offender's attorney came
3 to me and said my client got beat up, is that what
4 you're asking me?

5 BY MS. SAMUELS:

6 Q Yes, sir.

7 A Then I would do those same procedures.
8 And obviously I would interview the complaining
9 witness, in this case would be that attorney.

10 Q During your review of the case file, did
11 you come across copies of the pictures of Xavier
12 Walker?

13 A They're so distorted that they're really
14 not easy to see anything of. But, no, I don't
15 believe -- Any of the photos in there I should
16 say. I don't remember seeing a picture of Xavier
17 Walker in a copy of my investigative file.

18 Q As you sit here today, do you understand
19 that he alleges he was abused while in police
20 custody?

21 A Yes. I believe that's the crux of this
22 lawsuit.

23 Q As you sit here today, did you know that
24 photos were taken of him while he was in police

1 custody, some Pola -- I guess Polaroids?

2 A By whom?

3 Q Well, that was going to be my question.

4 A So I know he would have had photos taken
5 of him when he was booked in the 11th District
6 lockup. I don't know if I've seen any Polaroid
7 photographs of Mr. Walker.

8 Q All right. I guess the question that I
9 wanted to ask is when you said you would have an
10 evidence technician come and photograph him, those
11 wouldn't have been Polaroids, is that fair?

12 MR. MILLER: Object to foundation.

13 THE WITNESS: No, the evidence
14 technicians I believe at the time were using 35
15 millimeter cameras. I don't believe they used
16 Polaroids at any time. I could be wrong.

17 BY MS. SAMUELS:

18 Q I understand you don't have an
19 independent recollection of this but there are
20 some things I'm just going to run through.

21 As you sit here today, do you have an
22 independent recollection of learning about the
23 murder of Marek Majdak in or around May 13, 2000?

24 A I --

1 MR. MILLER: Hold on.

2 So I'm just going to object inasmuch
3 as we're going to go through some question about,
4 you know, learning things that could call for
5 privileged communication.

6 I think what she's asking you is
7 based on your independent recollection or your
8 review of the file only as opposed to anything
9 that you talked to your attorneys about. She's
10 asking you about that.

11 Correct me if I am wrong.

12 MS. SAMUELS: Yes.

13 THE WITNESS: So let me --

14 MS. SAMUELS: Hold on. Because I want to
15 make sure that we're all on the same page.

16 Q So what I'm asking you, and I'm going to
17 be asking you a series of questions, is do you
18 independently remember that back in 2000 when this
19 stuff was occurring, do you independently remember
20 that this stuff occurred back in 2000?

21 Does that make sense? Not I read a
22 report and, therefore, I know what happened or
23 somebody --

24 A You're asking me do I independently

1 remember the murder, this specific murder? No, I
2 do not.

3 Q And so I'm just going to run through a
4 bunch of stuff because I have to; but moving
5 forward that's what I'm asking, okay?

6 A Yes, ma'am.

7 Q Do you have any recollection of any
8 events that took place to investigate the murder
9 of Marek Majdak from May 13th to May 27th, 2000?

10 A I have no independent memory of that.

11 Q Do you have independent recollection of
12 learning how -- of how Xavier Walker became a
13 suspect in the murder of Marek Majdak in May of
14 2000?

15 A No, ma'am, I do not.

16 Q Do you have any independent recollection
17 of going to arrest Xavier Walker for the murder of
18 Marek Majdak on May 28, 2000?

19 A No, ma'am, I do not.

20 Q Do you have any independent recollection
21 of the questioning of Xavier Walker in relation to
22 the murder of Marek Majdak in May of 2000?

23 A No, ma'am, I do not.

24 Q Do you have any independent recollection

1 of the questioning of Maurice Wright in relation
2 to the murder of Marek Majdak in May of 2000?

3 A No, ma'am, I do not.

4 Q Do you have any independent recollection
5 of your questioning of the -- excuse me, of your
6 questioning of Antwoine Waddy in the murder of
7 Marek Majdak -- in relation to the murder of Marek
8 Majdak in May of 2000?

9 A You asked me of my questioning of
10 Mr. Waddy. Do you mean of the questioning of or
11 specifically if I asked Mr. Waddy any questions?

12 Q If you asked Mr. Waddy any questions.

13 A No, ma'am, I don't remember asking
14 Mr. Waddy any questions at all.

15 A Do you remember questioning anybody in
16 relation to the murder of Marek Majdak.

17 A No, not at all.

18 Q Do you remember meeting with any
19 witnesses in relation to the murder of Marek
20 Majdak?

21 A I have no independent memory of that at
22 all.

23 Q After a murder inves --

24 Well, do you have an independent

1 recollection of questioning Jovanie Long in
2 relation to the murder of Marek Majdak?

3 A No, ma'am, I do not.

4 Q All right. Once a murder investigation
5 is -- Well, let me ask the first question.

6 My first question is once suspects
7 are arrested in a murder investigation is that
8 generally the last step or are there additional
9 steps that need to be taken?

10 MR. MILLER: Object to the incomplete
11 nature of the hypothetical, foundation, form.

12 THE WITNESS: There's always going to be
13 at least a typing to document the arrest and
14 charging of the case, if in fact it's charged.
15 But it's kind of hard to give a one-color-all
16 answer to that question, ma'am. It would depend
17 upon each individual case but at the very least
18 you would have to type the closing supplementary
19 report of that case.

20 BY MS. SAMUELS:

21 Q And so you arrest the suspects, you type
22 the closing supplementary report. Then what would
23 happen with a case file generally?

24 MR. MILLER: Object to form and the

1 incomplete nature of the hypothetical, foundation.

2 THE WITNESS: Again, it depends upon each
3 case. The evidence might have to be worked up.
4 Other people might have to be interviewed. I
5 can't answer a general question about a homicide
6 because each homicide is different.

7 BY MS. SAMUELS:

8 Q At the conclusion of a homicide case, in
9 getting prepared or as you're preparing it for the
10 State's Attorney Office or as you're preparing it
11 for prosecution, are there certain things or
12 certain steps that you would always expect to see?

13 MR. MILLER: Object to the form of the
14 question.

15 THE WITNESS: So I don't know what your
16 definition is of when a homicide case is
17 completed. Again each case is going to be
18 different, ma'am. It's almost impossible to say
19 that there are certain things that in every case
20 would be done.

21 The detectives would sit down with
22 the State's Attorneys and they would go over the
23 investigation. That is going to happen, assuming
24 that there is an offender that is going to stand

1 trial.

2 Some cases are closed and the
3 defendant for whatever reason, and there could be
4 a variety of reasons, doesn't stand trial.

5 I can't answer a general question
6 like that, ma'am. You would have to ask me
7 something specific.

8 BY MS. SAMUELS:

9 Q As you sit here today, do you know who
10 Xavier Walker is?

11 A Yes.

12 Q Do you recall having any interactions
13 with him ever?

14 A I don't ever remember having any
15 interaction with Xavier Walker.

16 Q Do you recall having --

17 As you sit here today, do you know
18 who Jovanie Long is?

19 A Yes, I know who Jovanie Long is.

20 Q Do you ever recall having any
21 interactions with him?

22 A No, ma'am, I do not.

23 Q As you sit here today, do you know who
24 Maurice Wright is?

1 A Yes, I do.

2 Q Do you ever recall having any
3 interactions with him?

4 A No, ma'am, I do not.

5 Q As you sit here today, do you know who
6 Antwoine Waddy is?

7 A Yes, I do.

8 Q Do you ever recall having any
9 interactions with him?

10 A No, ma'am, I do not.

11 Q As you sit here today, do you know who
12 Ursula Byrd is? (Phonetic sp.)

13 A Yes, I do.

14 Q Do you ever recall having interactions
15 with her?

16 A No, ma'am, I do not.

17 Q As you sit here today, do you know who
18 Ashante Wright is?

19 A Yes, ma'am, I do.

20 Q Do you ever recall having any
21 interactions with her?

22 A No, ma'am I do not.

23 Q As you sit here today, do you know who
24 Yvette Lu is? (Phonetic sp.)

1 A Yes, ma'am, I do.

2 Q Do you ever recall having interactions
3 with her?

4 A No, ma'am, I do not.

5 Q As you sit here today, do you know who
6 Yvette Anderson is?

7 A Can you say that name again?

8 Q Yvette Anderson.

9 A Yes, ma'am, I do.

10 Q Do you ever recall having any
11 interactions with her?

12 A No, ma'am, I do not.

13 Q The murder of Marek Majdak, did you
14 understand that to be gang related at any time?

15 MR. MILLER: Object to foundation.

16 THE WITNESS: No, ma'am, I don't believe
17 I ever knew that that was gang related.

18 MS. SAMUELS: I don't think I have any
19 further questions. Give me like two minutes to
20 look over my notes.

21 (Whereupon, a recess was had.)

22 I don't have any further questions.

23 MR. MILLER: Bill or Robin, do you have
24 any questions?

1 MR. OBERTS: No questions.

2 MS. SHOFFNER: No questions from the
3 City.

4 MR. GRAHAM: Okay. I just want to clear
5 up two things very briefly.

6 EXAMINATION

7 BY MR. MILLER:

8 Q Mr. Holy, at the beginning of this
9 matter you referred to an individual by the name
10 of Xavier Wright?

11 A Xavier Walker.

12 Q Okay. That was my question. There's a
13 number of Wrights and Walkers involved in this
14 case.

15 A I must have messed it up.

16 Q So let me ask you to be clear. When you
17 referred to Xavier Wright, were you referring to
18 Xavier Walker?

19 A Yes, sir.

20 Q The only other thing is you were asked
21 by counsel whether you had had any Brady training.
22 I believe counsel was referring to the name of a
23 case, Brady vs. Maryland.

24 Notwithstanding that, are you aware

1 that a criminal defendant has a constitutional
2 right to access to all of the evidence that is
3 collected by the police in their investigation?

4 A I am. Now I know what -- When she said
5 Brady -- If she had said Brady v Maryland, I
6 probably would have said yes. You can't hide
7 evidence in a criminal case against someone.

8 Q And I believe you spoke to it a little
9 later and you understand that's the case whether
10 it's inculpatory or exculpatory evidence, right?

11 A Absolutely.

12 Q You have in fact over the course of your
13 career been trained on that?

14 A Yes.

15 MR. MILLER: All right. That's all I
16 have.

17 MS. SAMUELS: So I have follow-up on
18 that.

19 EXAMINATION

20 BY MS. SAMUELS:

21 Q So when did you receive training on
22 Brady?

23 A So in the academy, in sergeant's school,
24 on the job throughout my time in the Detective

1 Division. Probably somewhere else along the line
2 but I don't remember.

3 Q All right. And what type of -- And
4 what did that training consist of?

5 A So my understanding of Brady, I'm not a
6 lawyer so, uh, is that the evidence used against
7 someone, all the evidence in a case is supposed to
8 be made available to that individual.

9 Q Right. So what did your training
10 consist of, how were you trained; can you explain
11 the process?

12 A Numerous hours of law in the academy
13 when you first come on the job and then throughout
14 my experiences as a policeman and throughout
15 dealing with State's Attorneys and throughout my
16 experience as a policeman assigned to the
17 Detective Divisions.

18 Q I guess what like -- Did they --

19 A I don't recall if I had a specific class
20 entitled Brady vs. The State Maryland, I don't
21 remember that.

22 Q What do you mean?

23 A So Miranda vs. Arizona we had a class on
24 that, like Miranda warnings; but I don't think I

1 ever had a class entitled Brady vs. The State of
2 Maryland.

3 Q All right. So is it fair to say as a
4 police officer you have a general understanding
5 that you're supposed to turn over evidence but you
6 don't ever remember receiving any specific
7 training on that?

8 MR. MILLER: Object. Misstates the
9 testimony.

10 THE WITNESS: No, I believe that that was
11 in some sort of presentation in the academy when
12 you first come on the job.

13 But it's pretty common sense that you
14 can't hide evidence in a case so I would assume I
15 learned that on the police department, but I might
16 have learned that in grammar school or high
17 school.

18 BY MS. SAMUELS:

19 Q Do you remember any specific training
20 you received as a homicide sergeant or a Violent
21 Crimes sergeant in relation to Brady?

22 A No. Not specifically, no.

23 MS. SAMUELS: No further questions.

24 MR. MILLER: Okay. We will reserve

1 signature.

2 (Which were all the proceedings
3 in the above-entitled matter.)
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1 STATE OF ILLINOIS)
) SS :
2 COUNTY OF COOK)

3 I, LINDA K. MADISON, CSR No. 084-000970,
4 Certified Shorthand Reporter certify:

5 That the foregoing proceedings were taken
6 before me via Video Conferencing at the time set
7 forth, at which time the witness was put under
8 oath by me;

9 That the testimony of the witness, the
10 questions propounded, and all objections and
11 statements made at the time of the examination
12 were recorded stenographically by me and were
13 thereafter transcribed;

14 That the foregoing is a true and correct
15 transcript of my shorthand notes so taken.

16 I further certify that I am not a
17 relative or employee of any attorney of the
18 parties, nor financially interested in the action.

19 I declare under penalty of perjury under
20 the laws of Illinois that the foregoing is true
21 and correct.

22 | Dated this 8th day of February 2022.

23 _____
24 Linda K. Madison
CSR No. 084-000970.